

DECLARATION OF JOHNATHAN TALBOT

I, Johnathan Talbot, under penalties of perjury, declare and state the following in support of the Complaint filed on my behalf in the above-captioned matter:

1. I am a resident of Shelton, Washington.
2. I have spent the last 17 years in various Design, Product Development, and Product Management roles for 3 major companies: American Greetings (Cleveland, OH), Mr. Heater (Enerco Group Inc, Cleveland, OH) and Mystery Ranch Backpacks (Bozeman, MT). Throughout this time, I have managed many people and important innovation projects for commercial, US and NATO military special forces, and wildland firefighters. I've supervised the Design, Marketing, and Commercialization of millions of dollars of products for some of the largest retailers in America, including Target, Walmart, Lowes, The Home Depot, and Tractor Supply Company among many, many others.

3. I began working for Outdoor Research on March 20, 2023, at a base salary of \$115,000 per year, with a signing bonus of \$3,000. My title was Product Manager Gloves, and OR Pro, which develops, designs, and manufactures products for the U.S. military and first responders. As required by Outdoor Research, I moved from my home in Bozeman, Montana to Shelton, Washington in June of 2023.

4. My job responsibilities at Outdoor Research included the following:
The Product Manager (PM) of Gloves/Pro is responsible for the overall direction, planning, and financial success of the Glove and Pro business at Outdoor Research. The Gloves/Pro PM has a unique opportunity to lead two different segments of our

business, each critical to our long-term growth. As an industry leader in gloves, the focus will center on scaling the business and distribution. In Pro, the opportunity draws on your passion for start-ups and will require extensive industry and competitive research, line planning, and consensus building. They will strive to increase the profitability of existing products while also helping to develop new products in partnership with their Design and Development counterparts. The Glove/Pro PM will work across two sectors of our company, the Pro and Commercial sides, as well as the cross-functional departments of the company, including sourcing, materials, sales, operations, design, tech design, innovation, marketing, and manufacturing associated with both. They must be able to effectively collaborate and communicate with these departments to meet company expectations and account for consumer demands. The Gloves/Pro PM must possess mathematical and analytical abilities to develop pricing models and forecast product profitability, requiring the product manager to analyze technical, financial, marketing, and sales information. Using this data, they must prepare product development objectives and schedules for all product development and product launch strategy phases. To ensure the success of various product lines, the product manager must use a combination of marketing data analysis, personal experience, and customer/athlete/influencer input. In addition, the product line manager must stay updated with market changes and current market perceptions. They must then be able to communicate these results to cross-functional counterparts, which may include executive members of the company,

making suggestions on how to improve current product lines and/or how Outdoor Research can enter underdeveloped market segments.

5. On June 20, 2023, I was in Bozeman, Montana to conduct a focus group on behalf of Outdoor Research. Specifically, I was included to lead the focus group around exploring a new product line tentatively called, “Rugged Outdoor.” This was to engage with professional users that I had helped to select to discuss outdoor products, feature sets, and retailers.

6. On June 20, 2023, upon leaving our team dinner, I encountered Manoah Ainuu across the street and introduced myself. I explained that I worked for Outdoor Research, shared my background in the industry, and engaged in a brief and light conversation with him.

7. At some point during that conversation, Ainuu yelled at me that I was “racist and entitled.” Ainuu then walked into the nearby bar where I was also going.

8. Once we were in the bar, Ainuu started pointing at me, repeatedly calling me a racist, and effectively encouraging other patrons to take out their phones and start recording the scene. He paraded through the bar several times while taking time to berate me at each completed lap. After I said to Ainuu, “I didn’t do anything wrong,” the bartender asked what was going on, and I told him that Ainuu was upset about something I had said, but I did not know what upset him. I believe Ainuu was trying to instigate a physical confrontation with me to gain social media followers.

9. While I attempted to speak with Ainuu to understand his allegations of racism, why he was angry, and what he believed was racist, at no point did I attempt to provoke a physical confrontation.

10. At no point was I asked to leave the premises.

11. I eventually went back to the hotel and went to bed. At approximately 8:00 a.m. on June 21, 2023, I received a call from Amy McCanless (“McCanless”) of Outdoor Research’s Human Resources Department, who informed me that overnight, Ainuu had been making accusations against me on social media, she asked me to provide a brief explanation, which I did, and told me not engage at all with any of the comments around the incident. She told me I was not to conduct the focus group, and I then arranged my return to Washington until Outdoor Research could get a handle on the situation.

12. Following that call, I looked at Ainuu’s Instagram account and saw that he had made several posts describing his encounter with me, including a video in which he stated as follows: Ainuu’s first post to Instagram was a video, in which he said the following: “Hey yo, Outdoor Research, I’m not even playing man. This guy John, he came up to me, introduced himself and said ‘you look like someone I should know.’ It was at a bar at the Crystal, which I often frequent. A lot of my friends are there, or work there. And this guy came up to me and started talking all this stuff, started asking questions – very directly – about diversity. And I answered honestly, and he kept cutting me off, didn’t want to hear what he was wanting to hear, but what he was asking for, which is very, very obvious. So, when I started to check him on it and

correct him and direct him and educate his ass for free – for free, free, free, free, free – he got very defensive. So, I said yo, we’re done talking – this conversation is over bro. I told you the truth, don’t cut me off while I’m talking if you’re asking. You’re not listening, and you’re asking, very big red flag – back up. I went inside, he came inside and tried to shake my hand and I was like ‘yo you’re apologizing,’ he just started apologizing over and over again and I’m like ‘if you’re apologetic buy me a beer at least. That’s the minimum you can do.’ And right after that, he squared up to me got right in my face like this, and he’s like ‘I didn’t do anything wrong.’ How do you apologize and say you don’t do anything wrong within like five seconds? Oh, because you’re not truly apologetic. So, this guy John who designs product or something for you guys OR, please fucking check him. This guy’s tripping, he’s racist.”

13. On or about June 22, 2023, Outdoor Research spoke to Defendant Ainuu about his allegations.

14. McCanless emailed me on June 23, 2023 and instructed me that I would be on administrative leave while things were sorted out with Ainuu. I was placed on leave from June 23, 2023 to June 30, 2023.

15. During a telephone conference on June 27, 2023, McCanless and I discussed Ainuu’s accusations. During that conversation, McCanless told me that Ainuu could not point to any racist or offensive statement I had made.

16. Two days later, on June 29, 2023, McCanless and I spoke again, at which time McCanless informed me that Outdoor Research was terminating me because I

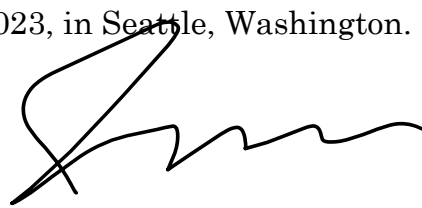
“showed poor judgment, in [my] actions in Bozeman, both prior to and during [the] incident at the bar.”

17. Outdoor Research followed up this conversation with a letter, informing me that my termination was effective on July 14, 2023.

18. At some point after the conversations with McCanless and further review of Ainuu’s social media attacks, I came to believe that the “racist statement” Ainuu believes that I made was simply telling him during our brief conversation that I had been on the diversity, equity, and inclusion committee at my previous job.

19. I am currently unemployed following my termination from Outdoor Research and have been unable to secure employment because of Ainuu’s defamatory attacks against me amongst peers and companies in the outdoor products space.

Dated this 27th day of September, 2023, in Seattle, Washington.

A handwritten signature in black ink, appearing to read 'Johnathan Talbot', written over a horizontal line.

JOHNATHAN TALBOT